

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed April 23, 2002 (the "Office Action"). Claims 1-16 are pending in the Application. Applicants respectfully request reconsideration and favorable action in this case.

Claim 16

Applicants added new independent Claim 16 in their Response to Office Action of January 30, 2002. The Examiner did not address Claim 16 in the Office Action and stated that "Claims 1-15 are pending in this application." See Office Action, page 2, first ¶. Applicants respectfully submit that Claim 16 is pending in this Application and request favorable action regarding Claim 16.

Comments

In the Office Action, the Examiner stated that "[c]orrections have been made to rejections to reflect that prior art is being cited under 102(e)." See Office Action, page 2, first ¶. Applicants are not aware of any such corrections made by the Examiner in the Office Action and respectfully request clarification regarding such corrections.

Rejections Under 35 U.S.C. 102

The Examiner rejects Claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,857,194 issued to Kelliher et al. ("*Kelliher*"). Applicants respectfully traverse these rejections for the reasons discussed below.

To anticipate a claim, each and every limitation must be found in a reference. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MPEP § 2131 (*emphasis added*).

Independent Claim 1 is patentable over the cited art, because *Kelliher* does not disclose, teach or suggest each element of the claim. For example, Claim 1 includes the step of "identifying incidents of applications of the legacy computer system that output data." The

Examiner states that *Kelliher* anticipates "a method for modeling a legacy computer system comprising: legacy computer system that outputs data; [6:15-24, see out put generator]." See Office Action, page 3, first ¶. However, as stated above, Claim 1 includes identifying incidents of applications of a legacy computer system that output data. For example, according to a particular embodiment of Applicants' invention, "[m]odeling engine 28 generates a list of incidents for points in the program at which data is written. For instance, modeling engine 28 may search the source code of the legacy program applications for reporting or writing commands for selected output streams." See Specification, page 13, lines 16-21. As another example, a particular embodiment includes "a report data model [that] identifies the incidents within the code of legacy program applications 16 at which data to selected output devices are written" See Specification, page 16, lines 1-3. The mere disclosure in *Kelliher* of a legacy computer system that outputs data, as cited by the Examiner, does not provide support for identifying incidents of applications that output data. Thus, the Examiner has not cited support in *Kelliher* for, nor does *Kelliher* disclose, teach or suggest, "identifying incidents of applications of the legacy computer system that output data."

The Examiner also states that *Kelliher* "shows an output generator which receives control flow information from the control flow analyzer for extracting data from the legacy system. Examiner understands this feature to be capable of outputting data from an incident in the legacy system as cited in applicants disclosure." See Office Action, page 6, first full ¶. Applicants respectfully disagree with Examiner's conclusions. The Examiner's conclusions only discuss the mere capability of outputting data. As stated above, Claim 1 includes "identifying incidents of applications of the legacy computer system that output data" (*emphasis added*). *Kelliher*, as cited in the Examiner's quoted statement above, does not disclose, teach or suggest these elements.

Claim 1 also includes the step of "defining a control flow graph of the output incidents." The Examiner states that *Kelliher* anticipates "a method for modeling a legacy computer system comprising: ... defining a control flow graph of the output incidents. [6:15-24, see control flow and out put generator]." See Office Action, page 3, first ¶. Applicants respectfully submit that *Kelliher* does not disclose, teach or suggest defining a control flow graph of the output incidents of applications of a legacy computer system. As an example, in a particular embodiment, Applicants disclose a modeling engine that "parses the legacy software process into rules to graph

its control flow." *See* Specification, page 16, lines 26-28. However, the mere disclosure of a control flow analyzer in *Kelliher* does not provide support for defining a control flow graph of output incidents. The control flow analyzer 31 of *Kelliher* merely identifies key data fields and formulates an extraction order for selected data fields found on the data storage device 13. *See Kelliher*, col. 6, lines 6-22. To perform its task, the control flow analyzer of *Kelliher* analyzes a clean field map which is produced by a map refining device. *See Kelliher*, col. 2, lines 24-28. The map refining device produces the clean field map from a raw map produced by a data locator searching a storage device of the legacy system. *See Kelliher*, col. 2, lines 19-26. Thus, *Kelliher* is analyzing a data storage device of the legacy system and producing a clean map from which a control flow analyzer identifies key fields. The key fields help to formulate an extraction order for data fields on the data storage device. *Kelliher* does not disclose, teach or suggest defining a control flow graph of output incidents of applications of the legacy computer system, for example, by analyzing the legacy software process or code.

Therefore, for the reasons stated above, Applicants respectfully request that the rejection of Claim 1 be withdrawn.

Claims 2-4 each depend from independent Claim 1. Therefore, Applicants respectfully submit that Claims 2-4 are patentable over the cited art, for example, for the same reasons discussed above with regard to Claim 1 and request that the rejections to Claims 2-4 be withdrawn.

Rejections under 35 U.S.C. §103

Claims 5, 8-11 and 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Kelliher* in view of U.S. Patent No. 6,125,391 issued to Meltzer et al. ("*Meltzer*"). Applicants traverse these rejections for the reasons discussed below.

In order to establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). The prior art as cited by Examiner does not disclose, teach or suggest each element of Claims 5, 8 or 9. Claims 5, 8 and 9 each depend from Claim 1. Examiner suggests that *Kelliher* discloses all elements of Claims 5, 8 and 9 that are included in Claim 1. However, as discussed

above with regard to Claim 1, Applicant contends that *Kelliher* does not disclose, teach or suggest "identifying incidents of applications of the legacy computer system that output data" or "defining a control flow graph of the output incidents."

Furthermore, Claim 5 includes "plural nodes having associated arcs, each node associated with an output incident." The Examiner states that *Meltzer* discloses "plural nodes having arcs in a legacy system." See Office Action, page 4, second ¶. The Examiner cites column 2, lines 55-56 of *Meltzer* which discloses a "node in the commerce network [establishing] an interface for transactions...." However, the Examiner has not cited any support in *Meltzer* for plural nodes having associated arcs, each node associated with an output incident. Nor does *Meltzer* disclose, teach or suggest these elements.

Claim 8 includes "associating the incidents with an Extensible Markup Language schema; and creating a specification to modify the legacy computer system applications to provide output in Extensible Markup Language format." The Examiner states that *Meltzer* discloses these elements. See Office Action, page 4, third ¶. However, the Examiner has not cited any support in *Meltzer* for these elements. Nor does *Meltzer* disclose, teach or suggest these elements.

Therefore, for at least the reasons stated above, Applicants respectfully request that the rejections of Claims 5, 8 and 9 be withdrawn.

The prior art as cited by the Examiner does not disclose, teach or suggest each element of Claim 10. Claim 10 includes "a modeling engine interfaced with the legacy computer system, the modeling engine operable to analyze an application loaded on the legacy computer system to identify incidents within the application that output data from the legacy computer system" and "a control flow graph of the output operations within the applications." The Examiner states the *Kelliher* discloses all the limitations of Claim 10 as applied in Claim 1 except that *Kelliher* does not explicitly disclose a modeling engine. See Office Action, page 5, first ¶. However, as stated above with respect to Claim 1, *Kelliher* does not disclose, teach or suggest a modeling engine operable to identify incidents within an application loaded on a legacy computer system that output data, nor does *Kelliher* disclose teach or suggest a control flow graph of the output operations within the applications.

Furthermore, the Examiner states that *Meltzer* discloses a "similar apparatus" to the modeling engine of Claim 10. The Examiner cites an "Element generator and attribute Generator" of Figure 5 of *Meltzer* as support. See Office Action, page 5, first ¶. Applicants respectfully disagree with the Examiner's assertion. *Meltzer* discloses "[a]n element event generator 504 [that] is a specialized ESIS listener which is also an XML event generator." See *Meltzer*, col. 27, lines 12-13. *Meltzer* discloses an "attribute event generator 505 [that] supplies the attribute event objects to attribute listeners 505A." See *Meltzer*, col. 27, 58-60. These elements are not modeling engines. Thus, the Examiner has failed to cite any teaching in *Meltzer* or other art of a modeling engine.

The Examiner states:

With regards to applicants['] argument that prior art doesn't teach a modeling engine interfaced with the legacy system and operable to analyze an application loaded on the legacy system. Kelliher does and teach transmitting data from a legacy system to another system[.] Although Kelliher doesn't show a modeling engine, *Meltzer* discloses an event, an element and an attribute generator, in fig 5, and 6 which interfaces between architectures and also translates to the new architecture and writes to outputs [fig 6].

See Office Action, page 6, third full ¶. The Examiner has failed to establish how "an event, an element and an attribute generator ... which interfaces between architectures and also translates to the new architecture and writes to outputs" provides support for the assertion that *Meltzer*, in combination with *Kelliher*, discloses a modeling engine interfaced with the legacy computer system, the modeling engine operable to analyze an application loaded on the legacy computer system to identify incidents within the application that output data from the legacy computer system.

Therefore, for at least the reasons stated above, Applicants respectfully request that the rejections to Claim 10 be withdrawn.

Claims 11 and 13-15 each depend from independent Claim 10. Therefore, Applicants respectfully submit that Claims 11 and 13-15 are patentable over the cited art, for example, for the same reasons discussed above with regard to Claim 10 and request that the rejections to Claims 11 and 13-15 be withdrawn.

Allowable Subject Matter

Applicants appreciate Examiner's indication that Claims 6, 7 and 12 would be allowable if rewritten in independent form, including all the elements of the base claim and any intervening claims. Applicants respectfully submit that Claims 6, 7 and 12 are allowable as depending from allowable Claims 1 and 10.



12

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayments to Deposit Account No. 05-0765 of Electronic Data Systems Corporation.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants

Chad C. Walters
Reg. No. 48,022

RECEIVED

JUN 21 2002

Technology Center 2100

Correspondence Address:

Luke K. Pedersen, Esq.
Baker Botts L.L.P.
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
Tel: 214.953.6655
Fax: 214.661.4655

Date: June 19, 2002